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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/678,064

10/06/2003

Hideo Kitami

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09/13/2006

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EXAMINER

PHU, SANH D

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/678,064	<b>Applicant(s)</b> KITAMI ET AL.	
	<b>Examiner</b> Sanh D. Phu	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 9-12, 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 13-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/23/06, 10/6/03</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is responsive to the Election filed on 8/8/06.

Accordingly, claims 1-8, 13-16, 19 have been elected, and claims 9-12, 17-18 are withdrawn from further consideration.

### *Information Disclosure Statement*

2. The IDS filed 2/23/2006 has been considered and recorded in the file.

### *Claim Rejections – 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2618

4. Claims 1–8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuffner (US 6,954,446).

Regarding to claims 1 and 2, Kuffner discloses a wireless communication terminal (100) comprising:

antenna means (122, 124, 126) for receiving signals based on at least two wireless network standards (see Fig. 1, 4);

transmitting/receiving means (102, 104, 106) for receiving the signals from said antenna means (see Fig. 1, 4);

switching means (104 is reconfigured to 102 under control of system manager 110, see col. 2, lines 56–61) for switching the wireless network standards of the signals received by said transmitting/receiving means to one another;

first reception level judging means (310, 314)(Fig.4) for judging the reception level of a signal (quality signal) which is received by said transmitting/receiving means and based on a first wireless network standard having the highest priority in the two wireless network standards;

second reception level judging means (330, 314)(Fig.4) for judging the reception level of another signal which is received by said transmitting/receiving means and based on a second wireless network standard having a priority lower than the first wireless network standard; and

control means for judging (110), on the basis of the judgment result of the reception level by said first reception level judging means (310, 314), whether it is possible to carry out communications based on the first wireless network standard (CDMA), judging, on the basis of the judgment result of the reception level by said second reception level judging means (330,334), whether it is possible to carry out communications based on the second wireless network standard (GPS) when it is judged that it is impossible to carry out the communications based on the first wireless network standard, and controlling the switching operation of said switching means so that communications based on a wireless network standard having the highest priority can be carried out (see Fig. 1 and 4, col. 2, line 29 to col. 3, line 22).

Regarding to claim 3, Kuffner discloses the wireless communication terminal wherein at least one of said antenna means (302, 322) and said

transmitting/receiving means (306,310,314)(326,330,334) comprises two elements (314)((334) so that the signals based on the first (CDMA) and second (GPS) wireless network standards can be received by said two elements, respectively (see Fig. 4).

Regarding to claim 4, Kuffner discloses the wireless communication terminal wherein said transmitting/receiving means includes an RF circuit and an MAC circuit ( a controller 110 with the transceiver (102,104, 106) is controlling the transmitting/receiving data over any suitable electronic communication medium, col. 7, lines 4651).

Regarding to claim 5, claim 5 is rejected with similar reason as set forth in the claim 4.

Regarding to claim 6, claim 6 is rejected with similar reason as set forth in claims 3 and 4.

Regarding to claim 7, Kuffner discloses the wireless communication terminal further comprising a timer for executing every set time the operation of said control means for judging whether it is possible to carry out the communications and controlling the switching operation of said switching

means so that the communications based on the wireless network standard having the highest priority can be carried out (see col. 5, lines 56–61, Kuffner discloses a timer for deployment of the switching operation is re-evaluated periodically to determine if the configuration can return original configuration).

Regarding to claim 8, claim 8 is rejected with similar reason as set forth in claim 7.

Regarding to claim 19, claim 19 is rejected with similar reason as set forth in the claims 1 and 2.

*Allowable Subject Matter*

5. Claims 13–16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 13, the prior art of record fails to teach a wireless communication network system comprising the wireless communication terminal and a wireless base station which is capable of making communications based on the plural wireless network standards with said wireless communication terminal, and communicates with said wireless

communication terminal on the basis of one of the plural wireless network standards, wherein when a problem occurs in the communications based on one of the plural wireless network standards between said wireless base station and said wireless communication terminal, said wireless base station transmits to said wireless communication terminal a shift command for shifting to communications based on another wireless network standard, and when the problem can be overcome, said wireless base station transmits to said wireless communication terminal a return command for returning to the communications based on the one of wireless network standards.

Regarding claim 14, the prior art of record fails to teach a wireless communication network system comprising the wireless communication terminal and a wireless base station which is capable of making communications based on the two wireless network standards with said wireless communication terminal, and communicates with said wireless communication terminal on the basis of one of the two wireless network standards, wherein when a problem occurs in the communications based on one of the two wireless network standards between said wireless base station



and said wireless communication terminal, said wireless base station transmits to said wireless communication terminal a shift command for shifting to communications based on the other wireless network standard, and when the problem can be overcome, said wireless base station transmits to said wireless communication terminal a return command for returning to the communications based on the one of two wireless network standards.

Regarding claim 15, the prior art of record fails to teach a wireless communication network system comprising the wireless communication terminal a first wireless base station for carrying out communications based on one of the plural wireless network standards with said wireless communication terminal, and a second wireless base station for carrying out communications based on another wireless network standard of the plural wireless network standards with said wireless communication terminal, wherein when a problem occurs in communications based on the one wireless network standard with the wireless communication terminal, said first wireless base station transmits to said wireless communication terminal a shift command for shifting to the communications based on the another wireless network standard with said

second wireless base station, and when the problem is overcome, said first wireless base station transmits to said second wireless base station a first return command for returning to the communications based on the one wireless network standard, and also upon receiving the first return command, said second wireless base station transmits to said wireless communication terminal a second return command for returning to the communications based on the one wireless network standard with said first wireless base station.

Regarding claim 16, the prior art of record fails to teach a wireless communication network system comprising the wireless communication terminal a first wireless base station for carrying out communications based on one of the two wireless network standards with said wireless communication terminal, and a second wireless base station for carrying out communications based on the other wireless network standard of the two wireless network standards with said wireless communication terminal, wherein when a problem occurs in communications based on the one wireless network standard with the wireless communication terminal, said first wireless base station transmits to said wireless communication terminal a shift command for shifting to the

communications based on the other wireless network standard with said second wireless base station, and when the problem is overcome, said first wireless base station transmits to said second wireless base station a first return command for returning to the communications based on the one wireless network standard, and also upon receiving the first return command, said second wireless base station transmits to said wireless communication terminal a second return command for returning to the communications based on the one wireless network standard with said first wireless base station.

### *Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on M-Th from 7:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-

4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sanh D. Phu  
Examiner  
Division 2618

SP



**Matthew D. Anderson**  
Supervisory Patent Examiner